

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
NOVEMBER 21, 2011**

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON
JAMES MYRICK, VICE-CHAIRMAN
KATHY RODDEN, PLACE 3
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, PLACE 5
RUTH ANN TEAGUE, ALTERNATE # 1
SHERRIE DAST, ALTERNATE # 2
JOANN GORDON, COUNCIL LIAISON

STAFF PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR (ZA)
SUSAN STEWART, ZONING SECRETARY
JAMES HATLEY, PUBLIC WORKS DIRECTOR
ATTORNEY STEVE WOODS

1. CALL TO ORDER

At 6:30 p.m. Chairperson Watson called the meeting to order; a quorum was present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman delivered the Invocation. Vice-Chairman Myrick led the pledge of allegiance to the United States Flag.

3. MEMBER ROLL CALL

Member roll call was recorded with all members present.

4. APPROVAL OF MINUTES FROM THE SEPTEMBER 29, 2011 SPECIAL CALLED MEETING

Vice-Chairman Myrick moved, seconded by Member Simpson, to approve the Minutes of the September 29, 2011 meeting as presented. All voted "Aye."

5. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING **FINAL PLAT APPROVAL** CONTINGENT TO THE BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE CITY OF RIVER OAKS AND THE CITY OF FORT WORTH BEING 5.671 ACRES OF LAND LOCATED IN LOT 1, BLOCK 2, A. COZART ADDITION, AN ADDITION TO THE CITIES\OF RIVER OAKS AND FORT WORTH, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 7300, PLAT RECORDS, TARRANT COUNTY, TEXAS (EXHIBIT "A AND B" TO THE BOUNDARY ADJUSTMENT AGREEMENT DATED OCTOBER 25, 2011). **(ZONING CASE # PZ2011-16)**

At 6:32 p.m. Chairperson Watson opened the public hearing.

ZA Gregory identified the properties involved in the boundary adjustment between the City of River Oaks and the City of Fort Worth. The Fort Worth City Council and the River Oaks City Council have approved the joint ordinance annexing the property from Fort Worth to River Oaks.

At 6:37 p.m. Chairperson Watson closed the public hearing.

6. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL REGARDING THE **FINAL PLAT APPROVAL** CONTINGENT TO THE BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE CITY OF RIVER OAKS AND THE CITY OF FORT WORTH BEING *5.671 ACRES OF LAND LOCATED IN LOT 1, BLOCK 2, A. COZART ADDITION, AN ADDITION TO THE CITIES OF RIVER OAKS AND FORT WORTH, TARRANT COUNTY, TEXAS,* ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 7300, PLAT RECORDS, TARRANT COUNTY, TEXAS (EXHIBIT "A AND B" TO THE BOUNDARY ADJUSTMENT AGREEMENT DATED OCTOBER 25, 2011). **(ZONING CASE # PZ2011-16)**

Vice Chairman Myrick moved, seconded by Member Gallman, to accept Zoning Case 2011-16. All voted "Aye."

[1] **Footnote:** the Planning and Zoning Commission has the authority only to recommend to the City Council for the approval or denial of a Zoning Case; motions for approval or denial means the recommendation to approve or deny.

7. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED SITE PLAN APPLICATION IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE AS REQUESTED FOR BY **VEGA FAMILY TRUST** IN ORDER TO OPERATE A RECYCLING FACILITY AT **715 ISBELL RD.** LEGALLY DESCRIBED AS BEING BLOCK 3, LOT 15; WEATHERFORD RW S/D LOCATED IN AN "I" INDUSTRIAL ZONING DISTRICT **(ZONING CASE # SP2011-0002)**

At 6:38 p.m. Chairperson Watson opened the public hearing.

ZA Gregory stated that the Zoning Ordinance requires site plan approval prior to issuance of a commercial certificate of occupancy for any use in an Industrial Zoning District.

ZA Gregory read the criteria for granting an application for site plan approval as listed in the Zoning Ordinance: In granting or denying an application for a site plan approval, the zoning administrator, the planning and zoning commission and the city council, as appropriate, shall take into consideration the following factors:

- i) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
- ii) Safety from fire hazards, and measures of fire control;
- iii) Protection of adjacent property from flood water damage;
- iv) Noise producing elements, and glare of vehicular and stationary lights and the effect of such lights on the established character of the neighborhood;
- v) Location, lighting and type of signs; relation of signs to traffic control and the adverse effect on adjacent properties;

vi) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood;

vii) Adequacy of parking, as determined by requirements of this Ordinance for off-street parking facilities; location of ingress/egress points for parking and off-street loading spaces; and protection of public health by all-weather surfacing on all parking areas to control dust; and

viii) Such other measures as will secure and protect public health, safety, morals and general welfare.

David Vega, representative for the Vega Family Trust, was present to describe the type of recycling facility as proposed. The facility would be a small collection center, not a processing center. Materials such as cans and scrap metal would be collected and transported to a processing center twice daily or when necessary. Mr. Vega presented pictures of a similar facility that was recently built and pictures of the proposed type of screening fence.

Board Members mentioned concerns related to the new school and increased traffic flow. Mr. Vega stated the he could schedule the transports of the large containers around school hours.

Chairperson Watson expressed concern that Mr. Vega does not currently own the property. Mr. Vega stated his intention to purchase the property if the use of recycling is approved. Attorney Woods stated that the Board could approve the application contingent on the applicant obtaining a title to the property within 30-days.

ZA Gregory stated that the State of Texas regulates many portions of this type of business. Mr. Vega mentioned Senate Bill 694 that mandates this business to track and log the seller and the type of material involved.

Mr. Vega stated his reason for selecting River Oaks was to focus on smaller recycling centers that help with neighborhood recycling needs and Isbell is the only area in the City that allows light industrial. Mr. Vega stated that cranes would not be used in this location; however, forklifts would be used. Mr. Vega agreed to install a sound deterrent on the inside of the fence to assist with noise reduction. Parking requirements were mentioned. Mr. Vega stated that the front portion of the lot would be a concrete parking lot for patrons and employees. ZA Gregory stated that the purpose of this site plan is to approve the use. Additional site plan information would be presented to the Board at a later date that would include a storm water management plan. Mr. Vega stated that the back building would be demolished and the front building would be renovated. After much discussion, Mr. Vega stated that the total cost of the renovations, the fence and the concrete work would be approximately \$40,000.

ZA Gregory reported two responses in objection of the proposal. Two unidentified citizens presented objections, for a total of four responses in opposition.

Citizen John Claridge asked if conveyor belts would be used on the property. Mr. Vega stated that conveyor belts would not be used. Mr. Claridge asked if the forklifts use natural gas. Mr. Vega stated that the forklifts use diesel gasoline.

Citizen Geraldine Maxwell, 4516 Barbara Road, spoke in opposition of the proposal due to the possibility of increased rodents and junk accumulation.

Fort Worth Citizen Jose Cejas, 724 Isbell, spoke in opposition of the proposal. His concern was the safety of children on their way to and from school.

Citizen Hub Makarwich inquired about the potential tax revenue for the City. Mr. Vega mentioned an article that was placed in the packet of the Board Members that outlines how recycling positively affects a community. Attorney Woods stated that financial impact is not a factor to consider.

At 7:28 p.m. Chairperson Watson closed the public hearing.

[At 7:29 p.m. Chairperson Watson convened into executive session under Section 551.071: Pending or contemplated litigation or to seek advice from Attorney.]

[At 7:55 p.m. Chairperson Watson reconvened into regular session.]

8. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL REGARDING THE PROPOSED SITE PLAN IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE AS REQUESTED FOR BY **VEGA FAMILY TRUST** IN ORDER TO OPERATE A RECYCLING FACILITY AT **715 ISBELL** LEGALLY DESCRIBED AS BEING BLOCK 3, LOT 15; WEATHERFORD RW S/D LOCATED IN AN "I" INDUSTRIAL ZONING DISTRICT (**ZONING CASE # SP2011-0002**).

Member Rodden moved, seconded by Vice-Chairman Myrick, to deny the application for site plan for failure to meet the requirements of Section 25 of the Zoning Ordinance. All voted "Aye."

[1] **Footnote:** the Planning and Zoning Commission has the authority only to recommend to the City Council for the approval or denial of a Zoning Case; motions for approval or denial means the recommendation to approve or deny.

9. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED **SITE PLAN APPLICATION** IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE AS REQUESTED FOR BY **Q-TEL D/B/A KINGDOM ICE** IN ORDER TO CONSTRUCT A NEW 225 SQUARE FOOT ICE HOUSE SETBACK 25-FEET FROM THE FRONT AND SIDE YARD PROPERTY LINES ON THE PROPERTY AT **4817 RIVER OAKS BLVD.** DESCRIBED AS BEING BLOCK 25, LOT A; RIVER OAKS ADDITION LOCATED IN AN "C-2" COMMERCIAL ZONING DISTRICT. (**ZONING CASE # SP2011-0003**).

At 7:56 p.m. Chairperson Watson opened the public hearing.

ZA Gregory summarized the proposal to construct a 225 square foot "ice house" that is proposed to occupy up three parking spaces of the parking lot. The application presented was signed by the property owner. The ice house is an unmanned ice dispenser that would use City water and be connected to the City sewer main. ZA Gregory reported six responses in favor and one in opposition of the proposal. ZA Gregory stated that the signs on structure should not pose an issue with the sign

ordinance. Member Rodden asked what would become of the structure should the business operations cease. ZA Gregory offered the stipulation that the property be returned to its original condition if business operations cease. ZA Gregory stated that traffic flow should not be an issue. One handicap and one additional parking space would be required.

Greg Miller, owner and operator of Q-Tel, was present with Chris Miller to summarize the intention of the request. The ice machine is designed to sell twice as much ice for the same price as a store. The product would be available 24-hours a day with summer months and weekends being the busiest times. Board Members asked about a trash receptacle. Mr. Miller replied that a trash container would be chained to a pole and emptied daily if necessary.

Board Members mention a concern that the structure would be located in the middle of the City and may not meet the intent of development for the retail shopping center.

Citizen John Claridge mentioned another ice dispenser that was denied by the City Council based on health, safety and welfare of the public and the "look of the building." It was mentioned that particular ice house was adjacent to residential property.

[At 8:32 p.m. Chairperson Watson convened into executive session under Section 551.071: Pending or contemplated litigation or to seek advice from Attorney.]

[At 8:38 p.m. Chairperson Watson reconvened into regular session.]

At 8:39 p.m. Chairperson Watson closed the public hearing.

10. **ACTION FROM PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED **SITE PLAN APPLICATION** IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE AS REQUESTED FOR BY **Q-TEL D/B/A KINGDOM ICE** IN ORDER TO CONSTRUCT A NEW 225 SQUARE FOOT ICE HOUSE SETBACK 25-FEET FROM THE FRONT AND SIDE YARD PROPERTY LINES ON THE PROPERTY AT **4817 RIVER OAKS BLVD.** DESCRIBED AS BEING BLOCK 25, LOT A; RIVER OAKS ADDITION LOCATED IN AN "C-2" COMMERCIAL ZONING DISTRICT. (**ZONING CASE # SP2011-0003**).

Board Members again discussed the location of the proposed ice house as being in the middle of city and a possible deterrent for development.

Member Rodden moved, seconded by Member Simpson, to approve the site plan application. Members Rodden and Simpson voted "Aye." Chairperson Watson, Vice-Chairman Myrick and Member Gallman voted "Nay."

Vice-Chairman Myrick moved, seconded by Member Gallman, to deny SP2011-0003. Chairperson Watson, Vice-Chairman Myrick and Member Gallman voted "Aye." Members Rodden and Simpson voted "Nay." Motion passes to deny.

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11. NEW ITEMS FOR DISCUSSION: CONSIDER APPROVAL TO SCHEDULE A PLANNING AND ZONING COMMISSION MEETING ON DECEMBER 12, 2011 FOR ZONING OF PROPERTIES CONTINGENT TO THE BOUNDARY ADJUSTMENT AGREEMENT DATED OCTOBER 25, 2011.

Board Members agreed to schedule a Planning and Zoning Meeting on December 12, 2011 to zone the newly annexed property to Community Facilities.

12. EXECUTIVE SESSION pursuant to Chapter 551, Texas Government Code, Planning and Zoning Commission reserves the right to convene into Executive Session(s) from time to time on any posted agenda item to receive advice from its Attorney as permitted by law during this meeting. The Planning and Zoning Commission may convene in Executive Session to discuss the following:

Sec. 551.071: Pending or contemplated litigation or to seek advice from Attorney

Refer to agenda items 8 and 9 for executive sessions.

13. ACTION FROM EXECUTIVE SESSION

Refer to agenda items 8 and 10 for action taken following executive sessions.

14. ADJOURN

At 8:50 p.m. Chairperson Watson adjourned the meeting. All voted "AYE."

APPROVED THIS 12TH DAY OF DECEMBER 2011



**Lori Watson, Chairperson
Planning/Zoning Commission**

ATTEST:



Susan Stewart, Zoning Secretary